

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAID HAJEM,

Plaintiff,

-against-

**DEFENDANTS' ANSWER  
TO THE COMPLAINT**

07 Civ. 9491 (RJS)

THE CITY OF NEW YORK, RAYMOND KELLY,  
POLICE COMMISSIONER OF THE NEW YORK  
CITY POLICE DEPARTMENT, P.O. RAMKISSOON,  
in their individual and professional capacities,

Defendants.

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Defendants, by their attorney, Michael A. Cardozo, Corporation Counsel of the  
City of New York as and, for their Answer to the Complaint, respectfully allege as follows:

1. Deny the allegations set forth in paragraph "1" of the Complaint, except admit that plaintiff purports to proceed as set forth therein.
2. Deny the allegations set forth in paragraph "2" of the Complaint, except admit that plaintiff purports to invoke the jurisdiction of this Court as set forth therein.
3. Deny the allegations set forth in paragraph "3" of the Complaint.
4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of the Complaint.
5. Deny the allegations set forth in paragraph "5" of the Complaint, except admit that the City of New York is a municipal entity created and authorized under the laws of the State of New York, and respectfully refer the court to Chapter 18 of the New York City Charter for a complete and accurate statement of the powers and duties of the New York City Police Department ("NYPD").

6. Deny the allegations set forth in paragraph “6” of the Complaint, except admit that Raymond Kelly has been the Commissioner of the New York City Police Department since 2002, and that plaintiff purports to proceed as set forth therein.

7. Deny the allegations set forth in paragraph “7” of the Complaint, except admit that defendant Ramkissoo is employed as a Police Officer with defendant NYPD and currently is assigned to the Application Processing Unit of the New York City Police Department, and that plaintiff purports to proceed as set forth therein.

8. Deny the allegations set forth in paragraph “8” of the Complaint.

9. Deny the allegations set forth in paragraph “9” of the Complaint.

10. Deny the allegations set forth in paragraph “10” of the Complaint, except admit, upon information and belief, that plaintiff filed a complaint with the United States Equal Employment Opportunity Commission (“EEOC”) on or about April 15, 2007.

11. Deny the allegations set forth in paragraph “11” of the Complaint, and respectfully refer the Court to the EEOC complaint for a complete and accurate statement of its contents.

12. Deny the allegations set forth in paragraph set forth in paragraph “12” of the Complaint, except admit, upon information and belief, that the EEOC issued plaintiff a right to sue letter dated July 25, 2007.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “13” of the Complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the Complaint.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "15" of the Complaint.

16. Deny the allegations set forth in paragraph "16" of the Complaint, except admit that plaintiff achieved a passing score with respect to Police Officer Exam no. 5046 .

17. Deny the allegations set forth in paragraph "17" of the Complaint.

18. Deny the allegations set forth in paragraph "18" of the Complaint, except admit that one of the qualifications for the position of police officer with the NYPD is the attainment of 60 credits at an accredited college, and maintaining a 2.0 GPA.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "19" of the Complaint, and respectfully refer the court to a copy of the June 28, 2006 letter for a complete and accurate statement of its contents.

20. Deny the allegations set forth in paragraph "20" of the Complaint.

21. Deny the allegations set forth in paragraph "21" of the Complaint.

22. Deny the allegations set forth in paragraph "22" of the Complaint.

23. Deny the allegations set forth in paragraph "23" of the Complaint.

24. Deny the allegations set forth in paragraph "24" of the Complaint.

25. Deny the allegations set forth in paragraph "25" of the Complaint, except admit that plaintiff has not been appointed to the position of Police Officer with the NYPD.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "26" of the Complaint.

27. Deny the allegations set forth in paragraph "27" of the Complaint.

28. In response to the allegations set forth in paragraph "28" of the Complaint, defendants repeat and reallege the responses set forth in paragraphs "1-27" inclusive of their answer, as if fully set forth herein.

29. Deny the allegations set forth in paragraph "29" of the Complaint.

30. Deny the allegations set forth in paragraph "30" of the Complaint.

31. Deny the allegations set forth in paragraph "31" of the Complaint.

32. Deny the allegations set forth in paragraph "32" of the Complaint.

33. In response to the allegations set forth in paragraph "33" of the Complaint, defendants repeat and reallege the responses set forth in paragraphs "1-32" inclusive of their answer, as if fully set forth herein.

34. Deny the allegations set forth in paragraph "34" of the Complaint.

35. Deny the allegations set forth in paragraph "35" of the Complaint.

36. Deny the allegations set forth in paragraph "36" of the Complaint.

37. Deny the allegations set forth in paragraph "37" of the Complaint, except admit plaintiff purports to invoke the jurisdiction in this Court as set forth therein.

**FOR A FIRST DEFENSE:**

38. The Complaint fails to state a claim upon which relief can be granted.

**FOR A SECOND DEFENSE:**

39. This action is barred, in whole or in part, because plaintiff has failed to perform all the conditions precedent to filing this lawsuit.

**FOR A THIRD DEFENSE:**

40. Plaintiff may not recover punitive damages from defendant.

**FOR A FOURTH DEFENSE:**

41. The individually named Defendants are not subject to suit under Title VII.

**FOR A FIFTH DEFENSE:**

42. At all times relevant to the acts alleged in the Complaint, defendants acted in conformity with all applicable laws, rules, and regulations, and any actions taken with respect to plaintiff were undertaken for legitimate business reasons and were nondiscriminatory and nonretaliatory.

**WHEREFORE**, defendants respectfully request that this Court enter an order dismissing the Complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York  
February 15, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Room 2-143  
New York, New York 10007  
(212) 788-0895

By: 

Jason Friedman  
jfriedma@law.nyc.gov  
Assistant Corporation Counsel

To: David B. Rankin  
Attorney at Law  
350 Broadway, Suite 700  
New York, NY 10013  
(212) 226-4507

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SOUTHERN DISTRICT OF NEW YORK

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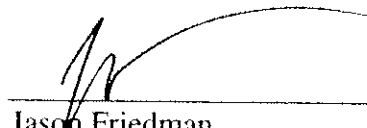
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**CERTIFICATE OF SERVICE**

I hereby certify that, on February 14, 2008, I caused a true and correct copy of the foregoing DEFENDANTS' ANSWER TO THE COMPLAINT to be served by regular mail on the following:

David B. Rankin  
Attorney at Law  
350 Broadway, Suite 700  
New York, NY 10013

Dated: New York, New York  
February 15, 2008

  
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Jason Friedman  
jfriedma@law.nyc.gov  
Assistant Corporation Counsel

Docket No. 07 Civ. 9491 (RJS)

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**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street, Rm 2-143  
New York, N.Y. 10007*

*Of Counsel: Jason Friedman  
Tel: (212) 788-1328  
NYCLIS No. 2007-040375*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200...*

*..... Esq.*

*Attorney for.....*